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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MAITAKE PRODUCTS, INC.,)	
)	
Petitioner,)	Cancellation No. 92044052
)	
v.)	Registration Nos. 2851225, 2847926
)	2456636, 2305068 and 2149925
DVM PHARMACEUTICALS, INC.,)	
)	
Registrant.)	

ANSWER

Registrant DVM Pharmaceuticals, Inc. ("Registrant" or "DVM"), as and for its Answer to the Consolidated Petition To Cancel ("Petition") of Petitioner Maitake Products, Inc. ("Petitioner"), states as follows (with the numbered paragraphs below corresponding to the numbered paragraphs of the Petition):

With respect to the first (unnumbered) paragraph of the Petition, Registrant lacks knowledge or information sufficient to admit or deny the allegations as to Petitioner's principal place of business and, therefore, denies the same; admits that the Petition purports to arise and to seek various remedies and relief under the trademark laws of the United States; denies the allegations that Petitioner has been damaged by the identified registrations; and otherwise denies the remaining allegations of this paragraph.

1. Admits that Petitioner is the applicant in U.S. Serial No. 76/564158 for the mark "DVM FRACTION" for various goods including those identified in the first numbered Paragraph of the Petition, the contents of which application speak for themselves; and otherwise denies that the allegations of goods and classes of goods set forth in the first numbered paragraph accurately reflect the goods or classes of goods described in the aforesaid application.



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2. Registrant lacks knowledge or information sufficient to admit or deny the allegations as to Petitioner's aforesaid application being refused registration, or the reasons for such alleged refusal, and, therefore, denies the allegations of the second numbered paragraph of the Petition.

3. Admits that Registrant owns U.S. Registrations 2851225, 2847926, 2456636, 2305068, and 2149925, the nature and design(s) of which and the goods to which such registrations apply are as set forth in the Registrations, which speak for themselves; and otherwise denies the allegations of subsections (a) through (e) of the third numbered paragraph of the Petition to the extent that they are inconsistent with or different from such Registrations.

4. Denies the allegations of the fourth numbered paragraph of the Petition.

5. Admits that the mark "DVM" appears in each of the aforesaid Registrations, and otherwise denies the allegations of the fifth numbered paragraph of the Petition.

6. Denies the allegations of the sixth numbered paragraph of the Petition.

7. Denies the allegations of the seventh numbered paragraph of the Petition.

8. Denies the allegations of the eighth numbered paragraph of the Petition.

9. Denies the allegations of the ninth numbered paragraph of the Petition.

10. Denies the allegations of the tenth numbered paragraph of the Petition.

11. Denies the allegations of the eleventh numbered paragraph of the Petition.

12. Denies the allegations of the twelfth numbered paragraph of the Petition.

13. Denies the allegations of the thirteenth numbered paragraph of the Petition.

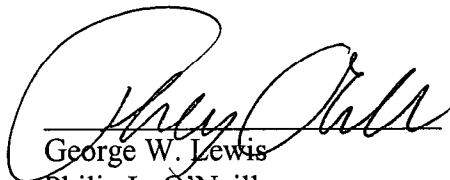
FIRST DEFENSE

The Petition fails to state a claim upon which relief may be granted.

WHEREFORE, having fully answered, Registrant DVM Pharmaceuticals, Inc. prays that the Consolidated Petition be dismissed with prejudice, that Petitioner take nothing for its petition, and that Registrant be awarded such other and further relief as the Board may deem just and proper.

DVM PHARMACEUTICALS, INC.

By:

A handwritten signature in dark ink, appearing to read "Philip L. O'Neill", is written over a horizontal line.

George W. Lewis

Philip L. O'Neill

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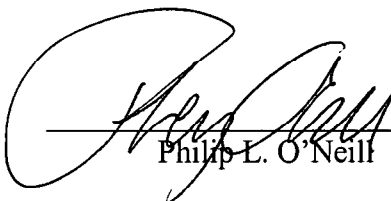
(202) 393-5350 (facsimile)

Attorneys for Registrant

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of February, 2005, I caused a true copy of the foregoing ANSWER was served by first-class mail, postage prepaid, upon counsel for Petitioner Maitake Products, Inc., as follows:

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Philip L. O'Neill